IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 31636 of 2007(N)

RCA.22/1996 of DISTRICT COURT, KASARAGOD
RCP.32/1978 of PRL.MUNSIFF, KASARAGOD
.....

PETITIONER:

BEEPATHUMMA, W/O. ABDULKHADER,
VETIYAVALAPPUR, MOGRAL VILLAGE,
KASARGOD TALUK, P.O. MOGRAL.

BY ADV. SRI.A.K.ABDUL AZEEZ

RESPONDENTS:

SHEKHARA, S/O. KANDANKUNHI,
MERCHANT, RESIDING AT NEAR BUS-STAND, KUMBLA,
KOIPADY VILLAGE, KASARGOD TALUK, P.O. KUMBLA.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.31636 of 2007-N

Judgment

Balakrishnan Nair, J.

The petitioner challenges Ext.P6 order of the Rent Controller. It is an order in EA No.174/07 in EP 137/05 in RCP No.32/98. The order in the RCP has become final. The EP filed by the tenant for the reconstructed room was proceeded with and delivery was ordered. But, it was found that the door number given in the EP was 1250/B. The Amin of the Court noted that the same was not the door number of the tenanted premises. Therefore, the EP could not be executed. The tenant filed EA No.174/07 to correct the door number given in the EP as 1250/A instead of 1250/B. The petitioner herein opposed the application, contending that the number sought to be incorporated in the EP is at variance with the number in the decree. Therefore, without amending the decree, the EA should not be allowed, it was contended. The Rent Controller rightly held that an applicant can always move for amending the EP filed by him. If the door number in the EP is at variance with the number in the decree, it can be considered at the time of ordering delivery. In this view, the Rent Controller overruled the objections of the

petitioner herein and allowed the EA. This Writ Petition under Article 227 of the Constitution of India is filed, raising the very same contention, which was raised before the Rent Controller and rightly rejected by the said authority. We find no infirmity in the order of the Rent Controller, warranting interference under Article 227 of the Constitution. If the door number in the decree varies with the number in the EP, the petitioner can point out the same when the question of delivery is considered. In the result, the Writ Petition fails and it is dismissed.

K.BALAKRISHNAN NAIR,JUDGE

25.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

sta